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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 VERNON LEWIS CURRY, JR.,

10 Petitioner,

11 v.

12 RONALD HAYNES,

13 Respondent.

CASE NO. 3:22-CV-5493-LK-DWC
ORDER GRANTING PETITIONER
LEAVE TO FILE SUPPLEMENTAL
MEMORANDUM

14 The District Court has referred this *habeas corpus* action to United States Magistrate
15 Judge David W. Christel. Before the Court is petitioner's unopposed motion for leave to file
16 supplemental briefing. Dkt. 11.

17 After the *pro se* petition in this matter was served, petitioner retained counsel to represent
18 him. Dkt. 10. Petitioner now seeks leave to file supplemental briefing prepared by his newly
19 retained counsel. Dkt. 11. Petitioner represents that respondent—while reserving all defenses—
20 does not object to the request. Dkt. 11 at 1.

21 The Court finds the interests of justice support permitting plaintiff's counsel to file a
22 supplemental memorandum in support of his petition. It is therefore ORDERED as follows:

- 23 1. Plaintiff may file a supplemental memorandum in support of his petition for
24 *habeas corpus* on or before **October 17, 2022**. The supplemental memorandum

1 shall be a full and complete substitute for petitioner's *pro se* supplemental brief
2 (Dkt. 4), which the Clerk is directed to strike.

- 3 2. The deadlines established in the Court's Order for Service and Answer (Dkt. 7)
4 are **vacated**.
- 5 3. Within **forty-five (45) days** after petitioner files his supplemental memorandum,
6 respondent shall file and serve an answer to the petition and supplemental
7 memorandum in accordance with Rule 5 of the Rules Governing Section 2254
8 Cases in United States District Courts. As part of such answer, respondent(s) shall
9 state whether petitioner has exhausted available state remedies and whether an
10 evidentiary hearing is necessary. Respondent(s) shall not file a dispositive motion
11 in place of an answer without first showing cause as to why an answer is
12 inadequate. Respondent(s) shall file the answer with the Clerk of the Court and
13 serve a copy of the answer on petitioner.
- 14 4. The answer will be treated in accordance with LCR 7. Accordingly, on the face of
15 the answer, respondent(s) shall note it for consideration on the fourth Friday after
16 filing. Petitioner may file and serve a response not later than the Monday
17 immediately preceding the Friday designated for consideration of the matter, and
18 respondent(s) may file and serve a reply not later than the Friday designated for
19 consideration of the matter.

20 Dated this 1st day of September, 2022.

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24 David W. Christel
United States Magistrate Judge